

2009 DRAFTING REQUEST

Bill

Received: **03/11/2009**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Jeff Stone (608) 266-8590**

By/Representing: **Michael Pyritz**

This file may be shown to any legislator: **NO**

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - sentencing**
Criminal Law - sex offenses
Criminal Law - victims

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Stone@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Conditions of release for certain sex offenders.

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 03/12/2009	jdyer 03/17/2009 nnatzke 03/18/2009	jfrantze 03/17/2009	_____			S&L
/1	chanaman 05/06/2009	nnatzke 05/07/2009	rschluet 03/19/2009	_____	sbasford 03/19/2009		S&L
/2			jfrantze	_____	lparisi	mbarman	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			05/07/2009 _____		05/07/2009	06/09/2009	

FE Sent For:

<END>

→ At
Intro.

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/1		1/2 nwn 5/7	rschlue 03/19/2009	5/7 ph/k	sbasford 03/19/2009		

5/7

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2009 DRAFTING REQUEST

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Criminal Law - sex offenses
Criminal Law - victims**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Stone@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

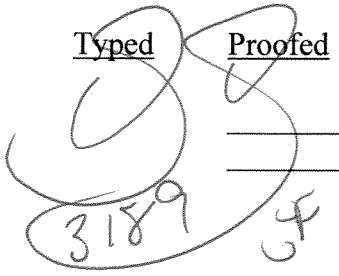
Conditions of release for certain sex offenders.

Instructions:

See attached

Drafting History:

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/?	chanaman	1 nwn 3/19					
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FE Sent For:

<END>

al note

*wanted by
3/19*

-2358/1

2007 - 2008 LEGISLATURE

LRB-1947/1

CMH:js:pg

nwn

2007 ASSEMBLY BILL 790

P.W.F.

February 11, 2008 - Introduced by Representatives STONE, KLEEFISCH, SINICKI, KERKMAN, ZEPNICK, OWENS, SMITH, MURTHA, ALBERS, MUSSER, KRAMER, GUNDERSON, NASS, PETROWSKI, HAHN, TOWNSEND, J. OTT and WOOD, cosponsored by Senators LASSA, LAZICH, GROTHMAN and DARLING. Referred to Committee on Criminal Justice.

*SA ✓
x-ref ✓*

rejoin car

- 1 AN ACT *to amend* 302.113 (7); and *to create* 304.06 (1r), 973.01 (5m) and 973.09
- 2 (6) of the statutes; **relating to:** conditions of extended supervision, probation,
- 3 and parole for persons convicted of certain sex offenses.

Analysis by the Legislative Reference Bureau

Under current law, if a person is under the supervision of the Department of Corrections (DOC) on parole, probation, or extended supervision (release), the person is subject to conditions and rules set by the court or DOC. Under this bill, a person who is on parole, probation, or extended supervision following a conviction for sexual assault, sexual assault of a child, or repeated sexual assault of a child (sex offense) is prohibited as a condition of release from contacting the victim of the sex offense or other persons who have certain relationships with the victim.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

*WS
1-4*

*CP's
phase
fix
compensate*

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 302.113 (7) of the statutes is amended to read:

302.113 (7) (a) Any inmate released to extended supervision under this section is

subject to all conditions and rules of extended supervision until the expiration of the

ASSEMBLY BILL 790

SECTION 1

1 term of extended supervision portion of the bifurcated sentence. The department
2 may set conditions of extended supervision in addition to any conditions of extended
3 supervision required under s. 302.116, if applicable, or set by the court under sub.
4 (7m) or s. 973.01 (5) or (5m) (b) if the conditions set by the department do not conflict
5 with the court's conditions.

6 **SECTION 2.** 304.06 (1r) of the statutes is created to read:

7 304.06 (1r) (a) In this subsection:

8 1. "Contact" has the meaning given in s. 973.01 (5m) (a) 1.

9 2. "Protected person" has the meaning given in s. 973.01 (5m) (a) 3.

10 (b) If parole is granted following a violation of s. 940.225 (1), (2), or (3), 948.02
11 (1) or (2), or 948.025, the parole commission shall, unless a court has granted a
12 petition under par. (c) 2., prohibit the parolee, as a condition of parole, from doing any
13 of the following:

14 1. Contacting the victim or any protected person.

15 2. Being within a specified distance of the residence of the victim or protected
16 person or any other location temporarily occupied by the victim or protected person.

17 3. Conducting an Internet search on the victim or any protected person.

18 4. Causing another person other than a law enforcement officer to contact the
19 victim or any protected person.

20 (c) 1. A parolee who is subject to a condition imposed under par. (b) may file,
21 with the circuit court for the county in which he or she was convicted, a petition, at
22 any time before or during the parole period, requesting that the condition be
23 eliminated.

ASSEMBLY BILL 790

2. Upon receiving a petition under subd. 1., the court shall grant the petition if the court determines that the victim supports the petition and that granting the petition does not pose a risk to public safety.

3. If the court does not grant a petition under subd. 2., the parolee may not file another petition under subd. 1. until 5 years have elapsed since the petition was denied.

SECTION 3. 973.01 (5m) of the statutes is created to read:

973.01 (5m) EXTENDED SUPERVISION CONDITIONS FOR SEXUAL ASSAULT. (a) In this subsection:

1. "Contact" means come within a specified distance of, call, e-mail, mail, or fax.

2. "Dating relationship" has the meaning given in s. 813.12 (1) (ag).

3. "Protected person" means a spouse, sibling, parent, child, grandparent, or grandchild of the victim; any employer of the victim; any individual with whom the victim has a child in common; any individual with whom the victim has or has had a dating relationship; and any individual who is part of the victim's household.

(b) Whenever the court imposes a bifurcated sentence under sub. (1) for a violation of s. 940.225 (1), (2), or (3), 948.02 (1) or (2), or 948.025, the court shall, except as provided in par. (c), prohibit the person, as a condition of extended supervision, from doing any of the following:

1. Contacting the victim or any protected person.

2. Being within a specified distance of the residence of the victim or protected person or any other location temporarily occupied by the victim or protected person.

3. Conducting an Internet search on the victim or any protected person.

INS
3-24

ASSEMBLY BILL 790

1 4. Causing another person other than a law enforcement officer to contact the
2 victim or any protected person.✓

3 (c) 1. A person who is subject to a condition imposed under par. (b) may file, with
4 the circuit court for the county in which he or she was convicted, a petition, at any
5 time before or during his or her sentence, requesting that the condition be
6 eliminated.

7 2. Upon receiving a petition under subd. 1., the court shall grant the petition
8 if the court determines that the victim supports the petition and that granting the
9 petition does not pose a risk to public safety.✓

10 3. If the court does not grant a petition under subd. 2., the person may not file
11 another petition under subd. 1. until 5 years have elapsed since the petition was
12 denied.✓

13 **SECTION 4.** 973.09 (6) of the statutes is created to read:

14 973.09 (6) (a) In this subsection:✓

15 1. "Contact" has the meaning given in s. 973.01 (5m) (a) 1.✓

16 2. "Protected person" has the meaning given in s. 973.01 (5m) (a) 3.✓

17 (b) If the probation is imposed following a violation of s. 940.225 (1), (2), or (3),
18 948.02 (1) or (2), or 948.025, the court shall, except as provided in par. (c), prohibit
19 the person, as a condition of probation, from doing any of the following:

20 1. Contacting the victim or any protected person.✓

21 2. Being within a court-specified distance of the residence of the victim or
22 protected person or any other location temporarily occupied by the victim or
23 protected person.

24 3. Conducting an Internet search on the victim or any protected person.✓

or s. 302.113(7)✓
(b)✓
or
302.114
(5)(d)✓
2.✓

NS
4-24

ASSEMBLY BILL 790

1 4. Causing another person other than a law enforcement officer to contact the
2 victim or any protected person.✓

3 (c) 1. A person who is subject to a condition imposed under par. (b) ✓ may file, with
4 the circuit court for the county in which he or she was convicted, a petition, at any
5 time before or during his or her probation, requesting that the condition be
6 eliminated.✓

7 2. Upon receiving a petition under subd. 1., ✓ the court shall grant the petition
8 if the court determines that the victim supports the petition and that granting the
9 petition does not pose a risk to public safety.✓

10 3. If the court does not grant a petition under subd. 2., ✓ the person may not file
11 another petition under subd. 1. ✓ until 5 years have elapsed since the petition was
12 denied.✓

13 **SECTION 5. Initial applicability.**

14 (1) The treatment of section 973.09 (6) (b) ✓ of the statutes first applies to persons
15 placed on probation on the effective date of this subsection.✓

16 (2) The treatment of sections 304.06 (1r) (b) ✓ and 973.01 (5m) (b) ✓ of the statutes
17 first applies to persons sentenced on the effective date of this subsection.✓

18 (END)

INS
5-14

Initial
to persons
this

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2358/linsch
CMH:.....

1 Insert 1-4

2 **SECTION 1.** 301.048 (2) (am) 3m. of the statutes is amended to read:

3 301.048 (2) (am) 3m. A court or the department requires his or her
4 participation in the program as a condition of extended supervision under s. 302.113
5 (7) (a) or 302.114 (5) (d) 1. or (8) or 973.01 (5).

6 History: 1991 a. 39; 1993 a. 79, 97, 227, 437, 479; 1995 a. 27; 1997 a. 27, 133, 181, 283; 1999 a. 9; 2001 a. 109; 2005 a. 277; 2007 a. 116.

7 Insert 2-6

8 **SECTION 2.** 302.113 (7) (b) of the statutes is created to read:

9 302.113 (7) (b) If an inmate being released to extended supervision would have
10 been subject to the condition of extended supervision under s. 973.01 (5m) (b) had he
11 or she been sentenced on or after the effective date of this paragraph [LRB inserts
12 date], the department shall set as a condition of extended supervision a condition
13 identical to that under s. 973.01 (5m) (b). The inmate may file a petition as described
14 under s. 973.01 (5m) (c) to remove the condition.

15 **SECTION 3.** 302.113 (7m) (a) of the statutes is amended to read:

16 302.113 (7m) (a) Except as provided in par. (e), sub. (7) (b), and ss. 302.114 (5)
17 (d) 2. and 973.01 (5m) (c), a person subject to this section or the department may
18 petition the sentencing court to modify any conditions of extended supervision set by
19 the court.

20 History: 1997 a. 283; 2001 a. 16, 109; 2003 a. 33; 2005 a. 42.

20 **SECTION 4.** 302.114 (5) (d) of the statutes is renumbered 302.114 (5) (d) 1.

21 **SECTION 5.** 302.114 (5) (d) 2. of the statutes is created to read:

22 302.114 (5) (d) 2. If the court grants the inmate's petition for release to extended
23 supervision, the court shall, if the inmate would have been subject to the condition

1 of extended supervision under s. 973.01 (5m) (b) had he or she been sentenced on or
2 after the effective date of this subdivision [LRB inserts date], set as a condition
3 of extended supervision a condition identical to that under s. 973.01 (5m) (b). The
4 inmate may file a petition as described under s. 973.01 (5m) (c) to remove the
5 condition.

BILL

1 may set conditions of extended supervision in addition to any conditions of extended
2 supervision required under s. 302.116, if applicable, or set by the court under sub.
3 (7m) or s. 973.01 (5) or (5m) (b) if the conditions set by the department do not conflict
4 with the court's conditions.

5 **SECTION 8.** 304.06 (1r) of the statutes is created to read:

6 304.06 (1r) (a) In this subsection:

7 1. "Contact" has the meaning given in s. 973.01 (5m) (a) 1.

8 2. "Protected person" has the meaning given in s. 973.01 (5m) (a) 3.

9 (b) If parole is granted following a violation of s. 940.225 (1), (2), or (3), 948.02
10 (1) or (2), or 948.025, the parole commission shall, unless a court has granted a
11 petition under par. (c) 2., prohibit the parolee, as a condition of parole, from doing any
12 of the following:

13 1. Contacting the victim or any protected person.

14 2. Being within a specified distance of the residence, place of employment, or
15 school of the victim or protected person, any other fixed location to minimize contact
16 with the victim or protected person, as determined by the parole commission, or any
17 other location temporarily occupied by the victim or protected person. ✓

18 3. Conducting an Internet search on the victim or any protected person.

19 4. Causing another person other than a law enforcement officer to contact the
20 victim or any protected person.

21 (c) 1. A parolee who is subject to a condition imposed under par. (b) may file,
22 with the circuit court for the county in which he or she was convicted, a petition, at
23 any time before or during the parole period, requesting that the condition be
24 eliminated.

INS
2-17

BILL**SECTION 8**

1 2. Upon receiving a petition under subd. 1., the court shall grant the petition
2 if the court determines that the victim supports the petition and that granting the
3 petition does not pose a risk to public safety.

4 3. If the court does not grant a petition under subd. 2., the parolee may not file
5 another petition under subd. 1. until 5 years have elapsed since the petition was
6 denied.

7 **SECTION 9.** 973.01 (5m) of the statutes is created to read:

8 **973.01 (5m) EXTENDED SUPERVISION CONDITIONS FOR SEXUAL ASSAULT.** (a) In this
9 subsection:

10 1. "Contact" means call, e-mail, mail, or fax.

11 2. "Dating relationship" has the meaning given in s. 813.12 (1) (ag).

12 3. "Protected person" means a spouse, sibling, parent, child, grandparent, or
13 grandchild of the victim; any employer of the victim; any individual with whom the
14 victim has a child in common; any individual with whom the victim has or has had
15 a dating relationship; and any individual who is part of the victim's household.

16 (b) Whenever the court imposes a bifurcated sentence under sub. (1) for a
17 violation of s. 940.225 (1), (2), or (3), 948.02 (1) or (2), or 948.025, the court shall,
18 except as provided in par. (c), prohibit the person, as a condition of extended
19 supervision, from doing any of the following:

20 1. Contacting the victim or any protected person.

21 2. Being within a specified distance of the residence, place of employment, or
22 school of the victim or protected person, any other fixed location to minimize contact
23 with the victim or protected person, as determined by the court, or any other location
24 temporarily occupied by the victim or protected person. ✓

25 3. Conducting an Internet search on the victim or any protected person.

BILL

1 4. Causing another person other than a law enforcement officer to contact the
2 victim or any protected person.

3 (c) 1. A person who is subject to a condition imposed under par. (b) may file, with
4 the circuit court for the county in which he or she was convicted, a petition, at any
5 time before or during his or her sentence, requesting that the condition be
6 eliminated.

7 2. Upon receiving a petition under subd. 1., the court shall grant the petition
8 if the court determines that the victim supports the petition and that granting the
9 petition does not pose a risk to public safety.

10 3. If the court does not grant a petition under subd. 2., the person may not file
11 another petition under subd. 1. until 5 years have elapsed since the petition was
12 denied.

13 **SECTION 10.** 973.09 (6) of the statutes is created to read:

14 973.09 (6) (a) In this subsection:

15 1. "Contact" has the meaning given in s. 973.01 (5m) (a) 1.

16 2. "Protected person" has the meaning given in s. 973.01 (5m) (a) 3.

17 (b) If the probation is imposed following a violation of s. 940.225 (1), (2), or (3),
18 948.02 (1) or (2), or 948.025, the court shall, except as provided in par. (c), prohibit
19 the person, as a condition of probation, from doing any of the following:

20 1. Contacting the victim or any protected person.

21 2. Being within a court-specified distance of the residence, place of
22 employment, or school of the victim or protected person, any other fixed location to
23 minimize contact with the victim or protected person, as determined by the court, or
24 any other location temporarily occupied by the victim or protected person. ✓

25 3. Conducting an Internet search on the victim or any protected person.

BILL

4. Causing another person other than a law enforcement officer to contact the victim or any protected person.

(c) 1. A person who is subject to a condition imposed under par. (b) may file, with the circuit court for the county in which he or she was convicted, a petition, at any time before or during his or her probation, requesting that the condition be eliminated.

2. Upon receiving a petition under subd. 1., the court shall grant the petition if the court determines that the victim supports the petition and that granting the petition does not pose a risk to public safety.

3. If the court does not grant a petition under subd. 2., the person may not file another petition under subd. 1. until 5 years have elapsed since the petition was denied.

SECTION 11. Initial applicability.

(1) The treatment of section 304.06 (1r) (b) of the statutes first applies to persons placed on parole on the effective date of this subsection.

(2) The treatment of section 973.01(5m)(b) of the statutes first applies to persons released to extended supervision on the effective date of this subsection.

(3) The treatment of section 973.09 (6) (b) of the statutes first applies to persons placed on probation on the effective date of this subsection.

(END)

INS
5-14

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2358/1dn

CMH:f:....

nwn

Date

Michael:

takes effect
who are
at sentencing
I added a few provisions to the bill. Upon reflection, I realized that, although the court is the correct entity to set the requested conditions of extended supervision, some people who were sentenced before this bill and being released to ES would not be subject to such conditions. I think you wanted these provisions to take effect as soon as possible so this bill requires DOC or the court, in some cases, to set the conditions for people being released to ES who would have, but for their sentencing date, been subject to this provision. Is that okay?

Cathlene Hanaman
Legislative Attorney
Phone: (608) 267-9810
E-mail: cathlene.hanaman@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2358/1dn
CMH:nwn:rs

March 19, 2009

Michael:

I added a few provisions to the bill. Upon reflection, I realized that, although the court is the correct entity to set the requested conditions of extended supervision at sentencing, some people who were sentenced before this bill takes effect and who are being released to ES would not be subject to such conditions. I think you wanted these provisions to take effect as soon as possible so this bill requires DOC or the court, in some cases, to set the conditions for people being released to ES who would have, but for their sentencing date, been subject to this provision. Is that okay?

Cathlene Hanaman
Legislative Attorney
Phone: (608) 267-9810
E-mail: cathlene.hanaman@legis.wisconsin.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

2
LRB-2358/1
CMH:nwn:rs

Thurs.
2009 BILL

SA ✓

→ *reyn cat*

1 **AN ACT** *to renumber* 302.114 (5) (d); *to renumber and amend* 302.113 (7); *to*
2 *amend* 301.048 (2) (am) 3m. and 302.113 (7m) (a); and *to create* 302.113 (7)
3 (b), 302.114 (5) (d) 2., 304.06 (1r), 973.01 (5m) and 973.09 (6) of the statutes;
4 **relating to:** conditions of extended supervision, probation, and parole for
5 persons convicted of certain sex offenses. ✓

Analysis by the Legislative Reference Bureau

Under current law, if a person is under the supervision of the Department of Corrections (DOC) on parole, probation, or extended supervision (release), the person is subject to conditions and rules set by the court or DOC. Under this bill, a person who is on parole, probation, or extended supervision following a conviction for sexual assault, sexual assault of a child, or repeated sexual assault of a child (sex offense) is prohibited as a condition of release from contacting the victim of the sex offense or other persons who have certain relationships with the victim. ✓

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 **SECTION 1.** ✓ 301.048 (2) (am) 3m. of the statutes is amended to read:

BILL**SECTION 1**

1 301.048 (2) (am) 3m. A court or the department requires his or her
2 participation in the program as a condition of extended supervision under s. 302.113
3 (7) (a) or 302.114 (5) (d) 1 or (8) or 973.01 (5).

4 **SECTION 2.** [✓]302.113 (7) of the statutes is renumbered 302.113 (7) (a) and
5 amended to read:

6 302.113 (7) (a) Any inmate released to extended supervision under this section
7 is subject to all conditions and rules of extended supervision until the expiration of
8 the term of extended supervision portion of the bifurcated sentence. The department
9 may set conditions of extended supervision in addition to any conditions of extended
10 supervision required under s. 302.116, if applicable, or set by the court under sub.
11 (7m) or s. 973.01 (5) or (5m) (b) if the conditions set by the department do not conflict
12 with the court's conditions.

13 **SECTION 3.** [✓]302.113 (7) (b) of the statutes is created to read:

14 302.113 (7) (b) If an inmate being released to extended supervision would have
15 been subject to the condition of extended supervision under s. 973.01 (5m) (b) had he
16 or she been sentenced on or after the effective date of this paragraph [LRB inserts
17 date], the department shall set as a condition of extended supervision a condition
18 identical to that under s. 973.01 (5m) (b). The inmate may file a petition as described
19 under s. 973.01 (5m) (c) to remove the condition. ✓
*A petition
be filed*

20 **SECTION 4.** [✓]302.113 (7m) (a) of the statutes is amended to read:

21 302.113 (7m) (a) Except as provided in par. (e), sub. (7) (b), and ss. 302.114 (5)
22 (d) 2. and 973.01 (5m) (c), a person subject to this section or the department may
23 petition the sentencing court to modify any conditions of extended supervision set by
24 the court.

25 **SECTION 5.** [✓]302.114 (5) (d) of the statutes is renumbered 302.114 (5) (d) 1.

BILL

1 **SECTION 6.** [✓] 302.114 (5) (d) 2. of the statutes is created to read:

2 302.114 (5) (d) 2. If the court grants the inmate's petition for release to extended
3 supervision, the court shall, if the inmate would have been subject to the condition
4 of extended supervision under s. 973.01 (5m) (b) had he or she been sentenced on or
5 after the effective date of this subdivision [LRB inserts date], set as a condition
6 of extended supervision a condition identical to that under s. 973.01 (5m) (b). The
7 inmate may file a petition as described under s. 973.01 (5m) (c) to remove the
8 condition. [✓] *may be filed*

9 **SECTION 7.** [✓] 304.06 (1r) of the statutes is created to read:

10 304.06 (1r) (a) In this subsection:

11 1. "Contact" has the meaning given in s. 973.01 (5m) (a) 1.

12 2. "Protected person" has the meaning given in s. 973.01 (5m) (a) 3.

13 (b) If parole is granted following a violation of s. 940.225 (1), (2), or (3), 948.02
14 (1) or (2), or 948.025, the parole commission shall, unless a court has ^{been} granted a
15 petition under par. (c) 2., prohibit the parolee, as a condition of parole, from doing any
16 of the following: [✓]

17 1. Contacting the victim or any protected person.

18 2. Being within a specified distance of the residence, place of employment, or
19 school of the victim or protected person, any other fixed location to minimize contact
20 with the victim or protected person, as determined by the parole commission, or any
21 other location temporarily occupied by the victim or protected person.

22 3. Conducting an Internet search on the victim or any protected person.

23 4. Causing another person other than a law enforcement officer to contact the
24 victim or any protected person.

BILL**SECTION 7**

1 (c) 1. ^{If} A parolee ^{the parolee} who is subject to a condition imposed under par. (b) ^{the victim of the violation} may file,
2 with the circuit court for the county in which ^{or with the parole commission} he or she was convicted, a petition, at
3 any time before or during the parole period, requesting that the condition be
4 eliminated.✓

5 2. Upon receiving a petition under subd. 1., the court ^{or the parole commission, whichever is appropriate} shall grant the petition
6 if ^{it} the court determines that ^{the victim supports the petition and that} granting the
7 petition does not pose a risk to public safety.✓

8 3. If the court does not grant a petition ^{is not granted} under subd. 2., the parolee ^{victim who filed the petition} may not file
9 another petition under subd. 1. ^{regarding that parolee} until 5 years have elapsed since the petition was
10 denied.✓

11 **SECTION 8.** ✓ 973.01 (5m) of the statutes is created to read:

12 973.01 (5m) EXTENDED SUPERVISION CONDITIONS FOR SEXUAL ASSAULT. (a) In this
13 subsection:

14 1. "Contact" means call, e-mail, mail, or fax.

15 2. "Dating relationship" has the meaning given in s. 813.12 (1) (ag).

16 3. "Protected person" means a spouse, sibling, parent, child, grandparent, or
17 grandchild of the victim; any employer of the victim; any individual with whom the
18 victim has a child in common; any individual with whom the victim has or has had
19 a dating relationship; and any individual who is part of the victim's household.

20 (b) Whenever the court imposes a bifurcated sentence under sub. (1) for a
21 violation of s. 940.225 (1), (2), or (3), 948.02 (1) or (2), or 948.025, the court shall,
22 except as provided in par. (c), prohibit the person, as a condition of extended
23 supervision, from doing any of the following:

24 1. Contacting the victim or any protected person.

BILL

1 2. Being within a specified distance of the residence, place of employment, or
2 school of the victim or protected person, any other fixed location to minimize contact
3 with the victim or protected person, as determined by the court, or any other location
4 temporarily occupied by the victim or protected person.

5 3. Conducting an Internet search on the victim or any protected person.

6 4. Causing another person other than a law enforcement officer to contact the
7 victim or any protected person.

8 (c) 1. ^{if} A person ^{the victim of the violation} who is subject to a condition imposed under par. (b) or s. 302.113
9 (7) (b) or 302.114 (5) (d) 2. ^{the person or with the department} may file, with the circuit court for the county in which ^{he}
10 ^{or she} was convicted, a petition, at any time before or during his or her sentence,
11 requesting that the condition be eliminated. ^{or the department which ever is appropriate} ^{the person's}

12 2. Upon receiving a petition under subd. 1., the court shall grant the petition
13 if the court determines that the victim supports the petition and that granting the
14 petition does not pose a risk to public safety. ^{is not granted}

15 3. If the court does not grant a petition under subd. 2., the person may not file ^{victim who filed the petition}
16 another petition under subd. 1. until 5 years have elapsed since the petition was
17 denied. ^{regarding that person}

18 **SECTION 9.** 973.09 (6) of the statutes is created to read:

19 973.09 (6) (a) In this subsection:

20 1. "Contact" has the meaning given in s. 973.01 (5m) (a) 1.

21 2. "Protected person" has the meaning given in s. 973.01 (5m) (a) 3.

22 (b) If the probation is imposed following a violation of s. 940.225 (1), (2), or (3),
23 948.02 (1) or (2), or 948.025, the court shall, except as provided in par. (c), prohibit
24 the person, as a condition of probation, from doing any of the following:

25 1. Contacting the victim or any protected person.

BILL**SECTION 9**

1 2. Being within a specified distance of the residence, place of employment, or
2 school of the victim or protected person, any other fixed location to minimize contact
3 with the victim or protected person, as determined by the court, or any other location
4 temporarily occupied by the victim or protected person.

5 3. Conducting an Internet search on the victim or any protected person.

6 4. Causing another person other than a law enforcement officer to contact the
7 victim or any protected person.

8 (c) 1. ^{if} A person ^{the person} who is subject to a condition imposed under par. (b) ^{the victim of the violation} may file, with
9 the circuit court for the county in which ^{or with the department} he or she was convicted, a petition, at any
10 time before or during ^{the person's} his or her probation, requesting that the condition be
11 eliminated. ✓ ^{or the department, whichever is appropriate,}

12 2. Upon receiving a petition under subd. 1., the court shall grant the petition
13 if ^{or it} the court determines that ^{is not granted} the victim supports the petition and that granting the
14 petition does not pose a risk to public safety. ^{Victim who filed the petition}

15 3. If the ^{is not granted} court does not grant a petition under subd. 2., the ^{regarding that person} person may not file
16 another petition under subd. 1. until 5 years have elapsed since the petition was
17 denied.

SECTION 10. Initial applicability.

18 (1) The treatment of sections 302.113 (7) (b) and 302.114 (5) (d) 2. of the statutes
19 first applies to persons released to extended supervision on the effective date of this
20 subsection.
21

22 (2) The treatment of sections 304.06 (1r) (b) and 973.01 (5m) (b) of the statutes
23 first applies to persons sentenced on the effective date of this subsection.

BILL

1 (3) The treatment of section 973.09 (6) (b) of the statutes first applies to persons
2 placed on probation on the effective date of this subsection.

3 (END)

Parisi, Lori

From: Pyritz, Michael
Sent: Monday, June 08, 2009 11:51 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-2358/2 Topic: Conditions of release for certain sex offenders.

Please Jacket LRB 09-2358/2 for the ASSEMBLY.